

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JUAN RODRIGUEZ,

Petitioner,

v.

JAMIE SORBER, et al.,

Respondents.

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CIVIL ACTION

No. 22-cv-00768-CFK

ORDER

AND NOW this 18th day of May, 2022, upon careful and independent consideration of Petitioner Juan Rodriguez' petition for writ of habeas corpus (Doc. No. 2) and motion for stay and abeyance (Doc. No. 4), the Commonwealth's response in opposition to the stay and abeyance (Doc. No. 8), and the Report and Recommendation of U.S. Magistrate Judge Richard A. Lloret, it is ORDERED that:

1. The Report and Recommendation of Magistrate Judge Richard A. Lloret is APPROVED and ADOPTED;
2. Mr. Rodriguez' Petition for Writ of Habeas Corpus is DENIED and DISMISSED without prejudice to refile at the conclusion of his PCRA, by separate Judgment, filed contemporaneously with this Order. *See* Federal Rule of Civil Procedure 58(a); Rules Governing Section 2254 Cases in the United States District Courts, Rule 12;
3. No certificate of appealability shall issue under 28 U.S.C. § 2253(c)(1)(A)

because “the applicant has [not] made a substantial showing of the denial of a constitutional right[,]” under 28 U.S.C. § 2253(c)(2), since he has not demonstrated that “reasonable jurists” would find my “assessment of the constitutional claims debatable or wrong.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); see *United States v. Cepero*, 224 F.3d 256, 262-63 (3d Cir. 2000), *abrogated on other grounds by Gonzalez v. Thaler*, 565 U.S. 134 (2012); and,

4. The Clerk of Court shall mark this file closed.

BY THE COURT:

/s/ Chad F. Kenney

HON. CHAD F. KENNEY
United States District Judge